

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VIRGINIA DAVIS,

Plaintiff,

v.

Hon. Hugh B. Scott

03CV550A

Order

GWENDOLYN COLE-HOOVER, et al.,

Defendants.

Non-party New York State Department of Correctional Services (“DOCS”) having moved to quash plaintiff’s subpoena served on March 8, 2006 (Docket No. 97, see Docket No. 98 (supporting declaration)), plaintiff having filed papers in opposition to DOCS’s motion to quash (Docket No. 101), and defendant Dr. Gwendolyn Cole-Hoover having filed responding papers in support of the motion to quash (Docket No. 102), and argument of this motion having been canceled (Docket No. 103), it is hereby ORDERED that:

Within seven (7) days of the date of entry of this Order, DOCS is directed to produce the subpoenaed material to plaintiff’s counsel subject to the following conditions:

- (1) The documents are to be marked confidential.
- (2) The documents are to be produced to plaintiff’s counsel “for attorneys eyes only;” except as stated below, the documents may not be disclosed to the plaintiff or any other party or non-party without Court order.
- (3) The documents may only be used in connection with this litigation. The documents may not be attached to any publically filed document or papers in this

matter. Any documents containing information taken from these documents shall be filed under seal. A document may be used during the deposition of the author or recipient of the document. However, the parties shall take steps to seal any portions of depositions referring to information taken from these documents.

- (4) The documents shall be returned by the plaintiff to the defendants upon the conclusion of this litigation. The plaintiff shall not make or retain any copies of these documents.
- (5) The documents shall be kept in a sealed envelope clearly marked as “Confidential Information. Sealed Pursuant to Court Order. No Copying Permitted.” Said envelope shall contain lines for names and dates reflecting who and when said envelope is opened and its contents used, and shall have a copy of the Court’s Order stapled to said envelope.

As a result of consideration of this motion, the Scheduling Order deadlines in this case was stayed (Docket No. 100). Therefore, discovery in this case shall conclude on **August 1, 2006**, with plaintiff’s expert disclosure (pursuant to the terms of the Amended Scheduling Order, Docket No. 96) by **June 2, 2006**, and defendants’ expert disclosure by **July 14, 2006**. Dispositive motions shall be filed no later than **October 13, 2006**.

Pretrial conferences will be held as previously scheduled (see Docket No. 96), that is on **Tuesday, May 23, 2006, at 10 am**, and (if necessary) on **Tuesday, August 8, 2006, at 2 pm**, before the undersigned.

So Ordered.

/s/ Hugh B. Scott
Hon. Hugh B. Scott
United States Magistrate Judge

Dated: Buffalo, New York
April 24, 2006